

Diaz, Bethany

From: Diaz, Bethany
Sent: Tuesday, September 20, 2016 4:28 PM
To: Anderson, Ryan
Subject: FW: Public Records Request
Attachments: Public Records Request -- Arizona AG.pdf

FYI. Sent on behalf of Russell Pearce.
Who should I send this to?

Thanks,
Bethany

From: PublicRecords
Sent: Tuesday, September 20, 2016 2:47 PM
To: Diaz, Bethany
Subject: FW: Public Records Request

From: Jim Peterson
Sent: Tuesday, September 20, 2016 2:46:26 PM (UTC-07:00) Arizona
To: PublicRecords
Subject: Public Records Request

Dear Ms. Diaz:

Please find the attached request.

James F. Peterson
Senior Attorney
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, DC 20024
202-646-5175 (direct)

This email is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sec. 2510-2521 and may be legally privileged. This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. This message may be an attorney-client communication and as such is PRIVILEGED AND CONFIDENTIAL. If you are not the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete the original message. Thank you.

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FYI on my acknowledgement.

From: Diaz, Bethany
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From: Diaz, Bethany
Sent: Wednesday, September 21, 2016 3:22 PM
To: Tryon, Michael
Cc: Northup, Dawn; Lopez, John
Subject: FW: Public Records Request
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**Judicial
Watch®**
*Because no one
is above the law!*

September 20, 2016

VIA E-MAIL (PublicRecords@azag.gov) and U.S. Mail

Ms. Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007-2926

Re: Public Records Request

Dear Ms. Diaz:

Pursuant to the provisions of the Arizona Public Records Law, A.R.S. §§ 39-101 through 39-221, former Arizona State Senator Russell Pearce and Judicial Watch, Inc. ("Judicial Watch") request from the Office of the Arizona Attorney General access to and a copy of any and all record(s) within ten business days concerning or relating to:

Communications, correspondence, and contacts between the Arizona Attorney General's Office and counsel for plaintiffs in *Valle del Sol, et al. v. Whiting, et al.*, Case No. CV-10-1061-PHX-SRB (D. Ariz.) concerning or relating to the Joint Case Disposition submitted to the court on September 15, 2016. Such records include, but are not limited to, records of discussions resulting in the agreement to submit to the court the Joint Case Disposition.

For purposes of this request, the term "record" shall be given its broadest possible meaning and shall include, but not be limited to, any and all materials coming within the definition of the term "records" set forth in A.R.S. § 41-1350. It also shall include any and all electronically, magnetically, or mechanically stored material of any kind, any and all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon or transmitted or received by any computer or other electronic device, and any and all material stored on compact disc, computer disk, hard drive, flash drive, or other electronic storage device. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

Ltr. to Bethany Diaz
September 20, 2016
pg. 2

We request that copies of the above-referenced public records be sent by electronic or first class mail promptly to Judicial Watch, pursuant to A.R.S. § 39-121.01(D)(1).

In addition, although a presumption of disclosure guides the application of Arizona's public records laws, if any responsive record or portion thereof is claimed to be exempt from production, please provide an index of the records or categories of records that are withheld and the reasons the records or categories of records have been withheld, pursuant to A.R.S. § 39-121.01(D)(2).

Senator Pearce seeks the requested records as a citizen of Arizona and not for any commercial purpose, as that term is defined by A.R.S. § 39-121.03(D). Judicial Watch, a not-for-profit, public interest organization, seeks copies of the requested records in furtherance of its public interest mission, which includes monitoring the activities of public officials and entities, and not for any commercial purpose, as that term is defined by A.R.S. § 39-121.03(D). Accordingly, we request a waiver of any copying or postage fees. Should this request for a fee waiver be denied, Judicial Watch agrees to pay reasonable fees associated with the production and mailing of the requested records. If any fee is to be charged, please notify the undersigned in advance if the expected fee is likely to exceed \$250.

If you do not understand this request or any portion thereof, or if you feel you require additional information or clarification in order to respond to this request or any portion thereof, please do not hesitate to contact me.

Sincerely,

JUDICIAL WATCH, INC.

/s/ James F. Peterson

Tel: (202)-646-5175 (direct)

E-mail: jpeterson@judicialwatch.org

cc: Senator Russell Pearce

Diaz, Bethany

From: Northup, Dawn
Sent: Wednesday, September 21, 2016 3:27 PM
To: Diaz, Bethany; Tryon, Michael
Cc: Lopez, John
Subject: RE: Public Records Request

Would these records be protected as settlement negotiations?

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From: Tryon, Michael
Sent: Wednesday, September 21, 2016 4:04 PM
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Subject: RE: Public Records Request

Thanks Bethany. We are investigating this and shall respond appropriately. Regards, Mike

Michael Tryon
Senior Litigation Counsel
State Government Division
Office of the Arizona Attorney General
1275 West Washington
Phoenix, Arizona 85007
602-542-8355

Michael.Tryon@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

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Follow Up Flag: Follow up
Flag Status: Completed

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Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-7806 Office

From: Diaz, Bethany
Sent: Tuesday, September 20, 2016 4:33 PM
To: 'Jim Peterson'
Subject: RE: Public Records Request

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Phoenix, AZ 85007

From: PublicRecords
Sent: Tuesday, September 20, 2016 2:47 PM
To: Diaz, Bethany
Subject: FW: Public Records Request

From: Jim Peterson
Sent: Tuesday, September 20, 2016 2:46:26 PM (UTC-07:00) Arizona
To: PublicRecords
Subject: Public Records Request

Dear Ms. Diaz:

Please find the attached request.

James F. Peterson
Senior Attorney
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, DC 20024
202-646-5175 (direct)

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Diaz, Bethany

From: Diaz, Bethany
Sent: Wednesday, October 12, 2016 1:12 PM
To: Lopez, John; Tryon, Michael; Northup, Dawn
Subject: RE: Public Records Request
Attachments: Public Records Request -- Arizona AG.PDF

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To: Tryon, Michael; Northup, Dawn; Diaz, Bethany
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Subject: RE: Public Records Request

Follow Up Flag: Flag for follow up
Flag Status: Completed

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Follow Up Flag: Flag for follow up
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Thanks, Dawn. Mike and I still have to sit down to discuss this issue. Hopefully, we can accomplish this by COB tomorrow.

John

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From: Smyers, Amy
Sent: Wednesday, October 26, 2016 11:09 AM
To: Diaz, Bethany
Subject: FW: Public Records Request
Attachments: Public Records Request -- Arizona AG.PDF

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Amy Smyers
Paralegal Project Specialist to Mike Tryon and Stephanie Elliott
State Government Division



Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Direct: 602-542-7613
Fax: (602) 364-2214
Email: Amy.Smyers@azag.gov

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To: Smyers, Amy
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Email: Amy.Smyers@azag.gov

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From: Smyers, Amy
Sent: Wednesday, October 26, 2016 3:31 PM
To: Diaz, Bethany
Cc: Tryon, Michael
Subject: RE: Public Records Request - Valle del Sol
Attachments: Docs responsive to Judicial Watch Public Records Request.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Bethany,

Please see attached documents.

Thanks,
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Fax: (602) 364-2214
Email: Amy.Smyers@azag.gov

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From: Diaz, Bethany
Sent: Wednesday, September 21, 2016 3:22 PM
To: Tryon, Michael
Cc: Northup, Dawn; Lopez, John
Subject: FW: Public Records Request

Good afternoon-

Please see the attached public records request.

If there are responsive records, please provide them to me and I will release them to the requestor along with a response from the office.

Thank you,

Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-7806 Office

From: Diaz, Bethany
Sent: Tuesday, September 20, 2016 4:33 PM
To: 'Jim Peterson'
Subject: RE: Public Records Request

Mr. Peterson:

I am in receipt of your public records request and will submit it for processing.

Please note that because we process requests in the order they are received, we cannot guarantee we will be able to fulfill your request within your preferred ten business day window; though we will certainly make a reasonable effort to do so.

Once I have an idea whether your request will take longer than 10 business days or not, I will let you know. Please feel free to follow up with me directly.

Thank you,

Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

From: PublicRecords
Sent: Tuesday, September 20, 2016 2:47 PM
To: Diaz, Bethany
Subject: FW: Public Records Request

From: Jim Peterson
Sent: Tuesday, September 20, 2016 2:46:26 PM (UTC-07:00) Arizona
To: PublicRecords
Subject: Public Records Request

Dear Ms. Diaz:

Please find the attached request.

James F. Peterson
Senior Attorney
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, DC 20024
202-646-5175 (direct)

This email is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sec. 2510-2521 and may be legally privileged. This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. This message may be an attorney-client communication and as such is PRIVILEGED AND CONFIDENTIAL. If you are not the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete the original message. Thank you.

Diaz, Bethany

From: Diaz, Bethany
Sent: Thursday, November 10, 2016 9:15 AM
To: Tryon, Michael
Cc: Anderson, Ryan
Subject: Records Request

Hi Mike,

I'm following up on the message I left you earlier this week (which was a follow up to a previous conversation we had regarding the responsive records) to discuss the pending records request from Judicial Watch RE: SB1070.

Have you already begun drafting a letter to accompany the release of records? I'd like to release them soon but not without a cover letter of some sort and I know you mentioned there were specific things you wanted mentioned in it. Please call me when you have a moment to discuss.

Thank you,

Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

Diaz, Bethany

From: Tryon, Michael
Sent: Thursday, November 10, 2016 9:27 PM
To: Diaz, Bethany
Cc: Anderson, Ryan; Lopez, John
Subject: Re: Records Request

John Lopez and I are working on the transmittal letter. We will send it to you Monday or Tuesday. Regards, Mike Tryon

Sent from my iPhone
Mike Tryon

On Nov 10, 2016, at 9:15 AM, Diaz, Bethany <Bethany.Diaz@azag.gov> wrote:

Hi Mike,

I'm following up on the message I left you earlier this week (which was a follow up to a previous conversation we had regarding the responsive records) to discuss the pending records request from Judicial Watch RE: SB1070.

Have you already begun drafting a letter to accompany the release of records? I'd like to release them soon but not without a cover letter of some sort and I know you mentioned there were specific things you wanted mentioned in it.
Please call me when you have a moment to discuss.

Thank you,

Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

Diaz, Bethany

From: Sciarrotta, Joseph
Sent: Monday, November 14, 2016 11:00 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint
Attachments: 20161114095643817.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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In the Superior Court of the State of Arizona
In and For the County of Maricopa

Case Number CV 2016-016945

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney William T. Luzader III

Attorney Bar Number 025607

Plaintiff's Name(s): (List all)
Judicial Watch, Inc. and Russell Pearce

Plaintiff's Address:

c/o Luzader Law PLLC

1430 E. Missouri Ave., Suite B-275

Phoenix, AZ 85014

(List additional plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)

Office of the Arizona Attorney General Mark Brnovich

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC

☐ Election Challenge ☐ Employer Sanction ☐ Other _____
(Specify)

☐ **RULE 8(i) COMPLEX LITIGATION APPLIES.** Rule 8(i) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.

(Mark appropriate box on page two as to complexity, in addition to the Nature of Action case category.)

☐ **THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER RULE 8.1.** Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. **Please review Rule 8.1 for a complete list of the criteria.** See <http://www.superiorcourt.maricopa.gov/commercial-court/>. You must check this box if this is an eligible commercial case. **In addition, mark the appropriate box below in the "Nature of Action" case category.** The words "commercial court assignment requested" must appear in the caption of the original complaint.

NATURE OF ACTION

(Place an "X" next to the one case category that most accurately describes your primary case.)

100 TORT MOTOR VEHICLE:

- ☐ 101 Non-Death/Personal Injury
☐ 102 Property Damage
☐ 103 Wrongful Death

110 TORT NON-MOTOR VEHICLE:

- ☐ 111 Negligence
☐ 112 Product Liability - Asbestos
☐ 112 Product Liability - Tobacco
☐ 112 Product Liability - Toxic/Other
☐ 113 Intentional Tort

- ☐ 114 Property Damage
☐ 115 Legal Malpractice
☐ 115 Malpractice - Other professional
☐ 117 Premises Liability
☐ 118 Slander/Libel/Defamation
☐ 116 Other (Specify) _____

120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D. ☐ 123 Hospital
☐ 122 Physician D.O. ☐ 124 Other

COPY

Is Interpreter Needed? ☐ Yes ☒ No
If yes, what language: _____

n/a

To the best of my knowledge, all information is true and correct.

William T. Luzader III
Attorney/Pro Per Signature
(If no attorney, YOUR signature)

NOV 09 2016
MICHAEL R. JONES, CLERK
DEPUTY CLERK

130 CONTRACTS:

- ☐ 131 Account (Open or Stated)
☐ 132 Promissory Note
☐ 133 Foreclosure
☐ 138 Buyer-Plaintiff
☐ 139 Fraud
☐ 134 Other Contract (i.e. Breach of Contract)
☐ 135 Excess Proceeds-Sale
☐ Construction Defects (Residential/Commercial)
 ☐ 136 Six to Nineteen Structures
 ☐ 137 Twenty or More Structures

150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation
☐ 151 Eviction Actions (Forcible and Special Detainers)
☐ 152 Change of Name
☐ 153 Transcript of Judgment
☐ 154 Foreign Judgment
☐ 158 Quiet Title
☐ 160 Forfeiture
☐ 175 Election Challenge
☐ 179 NCC-Employer Sanction Action
 (A.R.S. §23-212)
☐ 180 Injunction against Workplace Harassment
☐ 181 Injunction against Harassment
☐ 182 Civil Penalty
☐ 186 Water Rights (Not General Stream Adjudication)
☐ 187 Real Property
☐ Special Action against Lower Courts
 (See lower court appeal cover sheet in Maricopa)

- ☐ 194 Immigration Enforcement Challenge
 (§§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review
 (See lower court appeal cover sheet in Maricopa)
☐ 150 Tax Appeal
 (All other tax matters must be filed in the AZ Tax Court)
☐ 155 Declaratory Judgment
☐ 157 Habeas Corpus
☐ 184 Landlord Tenant Dispute- Other
☐ 190 Declaration of Factual Innocence
 (A.R.S. §12-771)
☐ 191 Declaration of Factual Improper Party Status
☐ 193 Vulnerable Adult (A.R.S. §46-451)
☐ 165 Tribal Judgment
☐ 167 Structured Settlement (A.R.S. §12-2901)
☐ 169 Attorney Conservatorships (State Bar)
☐ 170 Unauthorized Practice of Law (State Bar)
☐ 171 Out-of-State Deposition for Foreign Jurisdiction
☐ 172 Secure Attendance of Prisoner
☐ 173 Assurance of Discontinuance
☐ 174 In-State Deposition for Foreign Jurisdiction
☐ 176 Eminent Domain- Light Rail Only
☐ 177 Interpleader- Automobile Only
☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
☐ 183 Employment Dispute- Discrimination
☐ 185 Employment Dispute-Other
☐ 195(a) Amendment of Marriage License
☐ 195(b) Amendment of Birth Certificate
☒ 163 Other Special Action (A.R.S. § 39-121 et seq.)
 (Specify)

COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

- ☐ Antitrust/Trade Regulation
☐ Construction Defect with many parties or structures
☐ Mass Tort
☐ Securities Litigation with many parties
☐ Environmental Toxic Tort with many parties
☐ Class Action Claims
☐ Insurance Coverage Claims arising from the above-listed case types
☐ A Complex Case as defined by Rule 8(l) ARCP

Additional Plaintiff(s)

Additional Defendant(s)

1 William T. Luzader (No. 025607)
2 Luzader Law PLLC
3 1430 E. Missouri Ave., Suite B-275
4 Phoenix, AZ 85014
5 (602) 714-3050
(602) 714-3051 fax
will@luzaderlaw.com

6 Attorney for Plaintiffs

8 SUPERIOR COURT OF ARIZONA
9 MARICOPA COUNTY

10
11 **Judicial Watch, Inc.; and Russell
Pearce,**

12
13 Plaintiffs,

14 v.

15 **Office of the Arizona Attorney
16 General Mark Brnovich,**

17 Defendant.
18

Case No.

CV 2016-016945

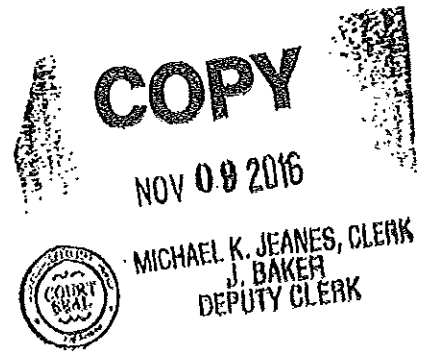
Complaint

(Statutory Special Action)

19 For their complaint in this special action against defendant Office of
20 Arizona Attorney General Mark Brnovich to compel compliance with the
21 Arizona Public Records Law, A.R.S. § 39-121 *et seq.*, plaintiffs Judicial Watch,
22 Inc. and Russell Pearce allege as follows:

23 **PARTIES, JURISDICTION, AND VENUE**

24 1. Plaintiff Judicial Watch, Inc. ("Judicial Watch") is a not-for-profit,
25 educational foundation that seeks to promote integrity, transparency, and



1 accountability in government. In furtherance of its public interest mission,
2 Judicial Watch regularly requests access to public records of federal, state, and
3 local government agencies and officials and disseminates its findings to the
4 public.

5 2. Plaintiff Russell Pearce is a citizen of Arizona, former President of the
6 Arizona Senate, and the chief legislative sponsor of the Arizona law known as
7 "S.B. 1070."

8 3. Defendant Office of Arizona Attorney General ("Defendant") is the
9 office of the Attorney General Mark Brnovich, the chief legal officer of the State
10 of Arizona.

11 4. The Court has jurisdiction over this action under A.R.S. § 39-121.02
12 and Rule 4(a), Arizona Rules of Procedure for Special Actions.

13 5. Venue is proper under A.R.S. § 12-401 and Rule 4(b), Arizona Rules
14 of Procedure for Special Actions.

15 GENERAL ALLEGATIONS

16 6. On or before September 15, 2016, Defendant entered into a "Joint
17 Case Disposition" on behalf of the State of Arizona in *Valle del Sol v. Whiting*,
18 Case No. CV-10-01061-PHX-SRB (D. Ariz.). The plaintiffs in *Valle del Sol v.*
19 *Whiting* were challenging various provisions of S.B. 1070.

20 7. The Joint Case Disposition was submitted to the court in *Valle del Sol*
21 *v. Whiting* purportedly for the purpose of resolving the remaining issues in that
22 litigation. Among the unusual provisions of the Joint Case Disposition was a
23 provision in which Defendant agreed to issue an "Informal Attorney General
24 Opinion." This "informal" opinion ostensibly sets forth the Attorney General's
25 interpretation of the meaning of certain sections of S.B. 1070.

1 8. By a letter dated September 20, 2016, Plaintiffs requested that
2 Defendant provide access to certain records concerning or relating to the Joint
3 Case Disposition.

4 9. Plaintiffs' public-records request specifically sought copies of the
5 following public records:

6 **Communications, correspondence, and contacts between the**
7 **Arizona Attorney General's Office and counsel for plaintiffs in**
8 ***Valle del Sol, et al. v. Whiting, et al.*, Case No. CV-10-1061-PHX-**
9 **SRB (D. Ariz.) concerning or relating to the Joint Case**
10 **Disposition submitted to the court on September 15, 2016. Such**
11 **records include, but are not limited to, records of discussions**
12 **resulting in the agreement to submit to the court the Joint Case**
13 **Disposition.**

14 10. By an email message on that same day, Defendant acknowledged
15 receipt of Plaintiffs' request.

16 11. Under A.R.S. § 39-121.01(D)(1), Defendant was required to promptly
17 furnish copies of responsive records.

18 12. As of the date of this Special Action, Defendant has not responded to
19 Plaintiffs' request. Defendant has failed to furnish any records responsive to
20 Plaintiffs' request or demonstrate that responsive records are exempt from
21 production. Nor has Defendant indicated whether or when any responsive
22 records will be furnished. In sum, Defendant continues to deny Plaintiffs access
23 to the requested records. *See* A.R.S. § 39-121.01(E).

1 **CLAIM FOR RELIEF**

2 **(Violation of Arizona Public Records Law—**

3 **Failure to Produce or Provide Access)**

4 13. Plaintiffs incorporate all foregoing allegations in this paragraph.

5 14. Defendant has violated the Arizona Public Records Law by failing to
6 provide access to the requested records.

7 15. Plaintiffs are being irreparably harmed by reason of Defendant's
8 violation of the Arizona Public Records Law, and Plaintiffs will continue to be
9 irreparably harmed unless Defendant is compelled to comply with the
10 requirements of the Arizona Public Records Law.

11 WHEREFORE, plaintiffs Judicial Watch and Russell Pearce pray for
12 relief and judgment against defendant Office of Arizona Attorney General Mark
13 Brnovich as follows:

14 A. For an order compelling Defendant to immediately furnish copies of
15 the requested public records;

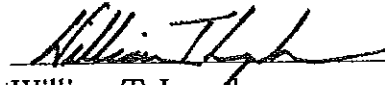
16 B. For an award damages, costs, and attorney's fees as allowed by A.R.S.
17 § 39-121.02 and Rule 4(g), Arizona Rules of Procedure for Special Actions; and

18 C. For any other relief the Court deems necessary, just, and proper
19 under these circumstances.
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Dated: November 9, 2016

Respectfully submitted,



William T. Luzader
Luzader Law PLLC
1430 E. Missouri Ave., Suite B-275
Phoenix, AZ 85014
Attorney for Plaintiffs

ATTORNEY GENERAL'S OFFICE

DATE RECEIVED Nov. 10, 2016

TIME RECEIVED 3:27 / # 0559

RECEIVED FROM Scott M. Coslow

SIGNED L. J. [Signature]

William T. Luzader (No. 025607)
Luzader Law PLLC
1430 E. Missouri Ave., Suite B-275
Phoenix, AZ 85014
(602) 714-3050
(602) 714-3051 fax
will@luzaderlaw.com

Attorney for Plaintiffs

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Judicial Watch, Inc.; and Russell
Pearce,

Plaintiffs,

v.

Office of the Arizona Attorney
General Mark Brnovich,

Defendant.

Case No.

CV 2016-016945

Summons

(Statutory Special Action)

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at
602-257-4434

or

www.maricopalawyers.org

Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO:

Office of the Arizona Attorney General Mark Brnovich

YOU ARE SUMMONED and required to appear and defend in this action.

If you were served within the State of Arizona, you must appear and defend within
20 days after the pleading (e.g., the complaint, counterclaim, or third-party claim)
and summons were served on you (the date of service is not included in the 20

1 days). If you were served outside the State of Arizona—whether by personal
2 service, registered of certified mail, by publication, or another valid method of
3 service—you must appear and defend within 30 days after service is complete
4 (the date of service is not included in the 30 days).

5
6 **YOU ARE NOTIFIED** that, if you fail to appear and defend as required,
7 judgment by default will be entered against you for the relief demanded in the
8 pleading served on you.

9
10 **PLEASE NOTE** that requests for reasonable accommodation for persons with
11 disabilities must be made to the Court by parties at least three working days in
12 advance of a scheduled court proceeding.

1 Service is being made on behalf of the above-named plaintiff or plaintiffs. The
2 name, address, and other contact information for the plaintiff's or plaintiffs'
3 attorney is:

4 o William T. Luzader
5 Luzader Law PLLC
6 1430 E. Missouri Ave., Suite B-275
7 Phoenix, AZ 85014
8 (602) 714-3050
9 will@luzaderlaw.com

10 SIGNED AND SEALED this date:

11 Michael K. Jeanes, Clerk



12 **COPY**
13 NOV 09 2016
14 MICHAEL K. JEANES, CLERK
15 J. BAKER
16 DEPUTY CLERK

17 By: _____
18 Deputy Clerk

Diaz, Bethany

From: Diaz, Bethany
Sent: Monday, November 14, 2016 11:19 AM
To: Sciarrotta, Joseph; Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Thanks Joe.

The records are actually ready for release. It's my understanding that Mike Tryon and John Lopez are working on a letter to accompany the records.

Should I reach out to Judicial Watch to let them know and see if they'll withdraw this?

Please advise.

Thanks,
Bethany

-----Original Message-----

From: Sciarrotta, Joseph
Sent: Monday, November 14, 2016 11:00 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Bethany. Please hold off for now. With litigation pending, perhaps an attorney to attorney dialogue may be prudent at this juncture. I will defer to others.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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Please advise.

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Sent: Monday, November 14, 2016 11:00 AM

To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael

Cc: Diaz, Bethany; Garcia, Mia

Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.

Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich

1275 W. Washington

Phoenix, AZ 85007

Desk: 602-542-7778

<http://www.azag.gov>

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Diaz, Bethany

From: Tryon, Michael
Sent: Monday, November 14, 2016 12:24 PM
To: Sciarrotta, Joseph; Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

Thanks Joe. I met with John Lopez this morning and he agreed it made sense for me to call the attorney who filed the complaint and try and get him to waive any claim for fees in connection with the complaint. I shall do that and notify every one of the outcome of that discussion. Although a transmittal letter was drafted, it needs to be modified to conform with the discussions with the attorney. I shall notify everyone as soon as I speak with the attorneys. Best regards, Mike

-----Original Message-----

From: Sciarrotta, Joseph
Sent: Monday, November 14, 2016 11:00 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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Diaz, Bethany

From: Bailey, Michael
Sent: Monday, November 14, 2016 3:45 PM
To: Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

I believe Ryan has previous contact with the attorney. Please confirm (or not) that this complaint relates to a records request that has only recently come in? If so, is this something we should defend on principle?

From: Tryon, Michael
Sent: Monday, November 14, 2016 12:24 PM
To: Sciarrotta, Joseph; Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John
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To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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Diaz, Bethany

From: Diaz, Bethany
Sent: Monday, November 14, 2016 3:54 PM
To: Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

With regard to timeframe of request:

The records request was received by me by email on 9/20/2016.
I sent an email to Judicial Watch acknowledging the request on 9/20/2016.
I submitted to staff for processing on 9/21/2016.

-Bethany

-----Original Message-----

From: Bailey, Michael
Sent: Monday, November 14, 2016 3:45 PM
To: Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

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Subject: RE: Judicial Watch Complaint

Thanks Joe. I met with John Lopez this morning and he agreed it made sense for me to call the attorney who filed the complaint and try and get him to waive any claim for fees in connection with the complaint. I shall do that and notify every one of the outcome of that discussion. Although a transmittal letter was drafted, it needs to be modified to conform with the discussions with the attorney. I shall notify everyone as soon as I speak with the attorneys. Best regards, Mike

-----Original Message-----

From: Sciarrotta, Joseph
Sent: Monday, November 14, 2016 11:00 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

Office of Arizona Attorney General Mark Brnovich
1275 W. Washington
Phoenix, AZ 85007
Desk: 602-542-7778
<http://www.azag.gov>

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Diaz, Bethany

From: Bailey, Michael
Sent: Monday, November 14, 2016 3:55 PM
To: Diaz, Bethany
Subject: RE: Judicial Watch Complaint

OK - thx.

From: Diaz, Bethany
Sent: Monday, November 14, 2016 3:54 PM
To: Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

With regard to timeframe of request:

The records request was received by me by email on 9/20/2016.
I sent an email to Judicial Watch acknowledging the request on 9/20/2016.
I submitted to staff for processing on 9/21/2016.

-Bethany

-----Original Message-----

From: Bailey, Michael
Sent: Monday, November 14, 2016 3:45 PM
To: Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

I believe Ryan has previous contact with the attorney. Please confirm (or not) that this complaint relates to a records request that has only recently come in? If so, is this something we should defend on principle?

From: Tryon, Michael
Sent: Monday, November 14, 2016 12:24 PM
To: Sciarrotta, Joseph; Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

Thanks Joe. I met with John Lopez this morning and he agreed it made sense for me to call the attorney who filed the complaint and try and get him to waive any claim for fees in connection with the complaint. I shall do that and notify every one of the outcome of that discussion. Although a transmittal letter was drafted, it needs to be modified to conform with the discussions with the attorney. I shall notify everyone as soon as I speak with the attorneys. Best regards, Mike

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Sent: Monday, November 14, 2016 11:00 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia

Subject: Judicial Watch Complaint

Please see attached.

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Joe

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Senior Counsel, State Government Division

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Diaz, Bethany

From: Lopez, John
Sent: Monday, November 14, 2016 3:56 PM
To: Diaz, Bethany; Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Mike:

This is one in which we decided to produce the records. We were on the verge on producing them when JW filed this complaint.

John

-----Original Message-----

From: Diaz, Bethany
Sent: Monday, November 14, 2016 3:54 PM
To: Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

With regard to timeframe of request:

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Sent: Monday, November 14, 2016 11:00 AM

To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael

Cc: Diaz, Bethany; Garcia, Mia

Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.

Senior Counsel, State Government Division

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Diaz, Bethany

From: Northup, Dawn
Sent: Monday, November 14, 2016 4:00 PM
To: Diaz, Bethany; Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Mike Tryon has spoken with the Judicial Watch attorney in DC. The attorney agreed to dismiss the complaint and not seek attorneys' fees in light of our internal decision to produce the requested records. Mike told the attorney we would FedEx the records tomorrow.

-----Original Message-----

From: Diaz, Bethany
Sent: Monday, November 14, 2016 3:54 PM
To: Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Northup, Dawn; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

With regard to timeframe of request:

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Please see attached.

Thanks,

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Diaz, Bethany

From: Tryon, Michael
Sent: Monday, November 14, 2016 4:14 PM
To: Diaz, Bethany
Subject: Judicial Watch public records request

Thanks for your time, Bethany. We shall send you a transmittal letter to enclose with the thumb drive to JW. Regards,
Mike

Michael Tryon
Senior Litigation Counsel
State Government Division
Office of the Arizona Attorney General
1275 West Washington
Phoenix, Arizona 85007
602-542-8355

Michael.Tryon@azag.gov

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Diaz, Bethany

From: Tryon, Michael
Sent: Monday, November 14, 2016 5:03 PM
To: Diaz, Bethany
Cc: Northup, Dawn; Sciarrotta, Joseph; Lopez, John; Bailey, Michael
Subject: Judicial Watch public records request transmittal letter
Attachments: Document1 (1) (3).docx

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hi, Bethany. Attached please find a template for your FedEx transmittal letter to Jim Peterson of Judicial Watch containing a thumb drive with the items that John Lopez and I previously provided to you . Thanks for your assistance in this matter. Regards, Mike

Michael Tryon
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Phoenix, Arizona 85007
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Michael.Tryon@azag.gov

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Dear Jim:

Pursuant to our agreement, please find enclosed the items responsive to your recent public records request. All of these items are protected by Rule 408 of the Federal and Arizona Rules of Evidence. Many are also protected by Federal and Arizona Mediation communication privileges. Without waiving these or any other applicable privileges or confidentiality provisions, we are providing the requested items. As we informed you, we have been compiling these communications and were in the process of providing them to you before you filed your complaint. I apologize that you were not aware that we were compiling the requested items and appreciate your agreement to dismiss the complaint you filed in this matter and not seek attorney fees or costs.

Regards

Diaz, Bethany

From: Anderson, Ryan
Sent: Monday, November 14, 2016 6:06 PM
To: Northup, Dawn; Diaz, Bethany; Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Outstanding.

From: Northup, Dawn
Sent: Monday, November 14, 2016 4:00 PM
To: Diaz, Bethany; Bailey, Michael; Tryon, Michael; Sciarrotta, Joseph; Brnovich, Mark; Anderson, Ryan; Lopez, John
Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

Mike Tryon has spoken with the Judicial Watch attorney in DC. The attorney agreed to dismiss the complaint and not seek attorneys' fees in light of our internal decision to produce the requested records. Mike told the attorney we would FedEx the records tomorrow.

-----Original Message-----

From: Diaz, Bethany
Sent: Monday, November 14, 2016 3:54 PM
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Cc: Garcia, Mia
Subject: RE: Judicial Watch Complaint

With regard to timeframe of request:

The records request was received by me by email on 9/20/2016.
I sent an email to Judicial Watch acknowledging the request on 9/20/2016.
I submitted to staff for processing on 9/21/2016.

-Bethany

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Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

I believe Ryan has previous contact with the attorney. Please confirm (or not) that this complaint relates to a records request that has only recently come in? If so, is this something we should defend on principle?

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Cc: Diaz, Bethany; Garcia, Mia
Subject: RE: Judicial Watch Complaint

Thanks Joe. I met with John Lopez this morning and he agreed it made sense for me to call the attorney who filed the complaint and try and get him to waive any claim for fees in connection with the complaint. I shall do that and notify every one of the outcome of that discussion. Although a transmittal letter was drafted, it needs to be modified to conform with the discussions with the attorney. I shall notify everyone as soon as I speak with the attorneys. Best regards, Mike

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To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan; Northup, Dawn; Lopez, John; Tryon, Michael
Cc: Diaz, Bethany; Garcia, Mia
Subject: Judicial Watch Complaint

Please see attached.

Thanks,

Joe

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division

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Desk: 602-542-7778
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Diaz, Bethany

From: Diaz, Bethany
Sent: Tuesday, November 15, 2016 10:51 AM
To: Tryon, Michael
Cc: Northup, Dawn; Sciarrotta, Joseph; Lopez, John; Bailey, Michael
Subject: RE: Judicial Watch public records request transmittal letter
Attachments: James Peterson_JW PRR_15Nov2016.docx

Here is the letter on my letterhead. I added another paragraph to reiterate the wording of the request but used your language verbatim otherwise.

Unless there are changes to the letter as I've got it here, I'll be FedEx'ing this with the records in just a bit.

Thanks,
Bethany

From: Tryon, Michael
Sent: Monday, November 14, 2016 5:03 PM
To: Diaz, Bethany
Cc: Northup, Dawn; Sciarrotta, Joseph; Lopez, John; Bailey, Michael
Subject: Judicial Watch public records request transmittal letter

Hi, Bethany. Attached please find a template for your FedEx transmittal letter to Jim Peterson of Judicial Watch containing a thumb drive with the items that John Lopez and I previously provided to you . Thanks for your assistance in this matter. Regards, Mike

Michael Tryon
Senior Litigation Counsel
State Government Division
Office of the Arizona Attorney General
1275 West Washington
Phoenix, Arizona 85007
602-542-8355

Michael.Tryon@azag.gov

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Looks good to me. Thanks for your help.

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Cc: Northup, Dawn; Lopez, John; Bailey, Michael; Anderson, Ryan; Garcia, Mia
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We should cc the local lawyer as well.

Joseph Sciarrotta, Jr.
Senior Counsel, State Government Division



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Phoenix, AZ 85007
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Diaz, Bethany

From: Diaz, Bethany
Sent: Tuesday, November 15, 2016 11:06 AM
To: Sciarrotta, Joseph; Tryon, Michael
Cc: Northup, Dawn; Lopez, John; Bailey, Michael; Anderson, Ryan; Garcia, Mia
Subject: RE: Judicial Watch public records request transmittal letter
Attachments: James Peterson_JW PRR_15Nov2016.pdf

Thanks, I added him as a cc to letter and will also send him a copy of the letter today.
Here is the final version.

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Diaz, Bethany

From: Tryon, Michael
Sent: Wednesday, November 16, 2016 4:34 PM
To: Diaz, Bethany
Subject: RE: Judicial Watch public records request transmittal letter

Jim Peterson did not get the package today. I thought he should have.

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Sent: Tuesday, November 15, 2016 11:06 AM
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Diaz, Bethany

From: Diaz, Bethany
Sent: Wednesday, November 16, 2016 5:11 PM
To: Tryon, Michael
Subject: RE: Judicial Watch public records request transmittal letter

Hi Mike,

I wasn't aware we should have sent it overnight. Overnight is costly so we sent it via two day FedEx in an effort to minimize taxpayer resources. We also waived the fee for the flash drive considering the circumstances when we would normally have charged to send other than electronically.

They should get it tomorrow.

Thanks,
Bethany

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Cc: Northup, Dawn; Sciarrotta, Joseph; Lopez, John; Bailey, Michael
Subject: Judicial Watch public records request transmittal letter

Hi, Bethany. Attached please find a template for your FedEx transmittal letter to Jim Peterson of Judicial Watch containing a thumb drive with the items that John Lopez and I previously provided to you . Thanks for your assistance in this matter. Regards, Mike

Michael Tryon
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State Government Division
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Anderson, Ryan

From: Anderson, Ryan
Sent: Thursday, November 17, 2016 2:29 PM
To: Diaz, Bethany
Subject: FW: JW SB1070 Press Release

From: Mark Spencer [<mailto:MSpencer@JUDICIALWATCH.ORG>]
Sent: Thursday, November 17, 2016 11:06 AM
To: Anderson, Ryan
Subject: JW SB1070 Press Release

Ryan,

As per our conversation, I reached out to Jim Peterson back at our DC office in regards to the timing of our press release. He replied: "FYI, as to the 1070 lawsuit, the press release was prepared and went out before I had any conversation with the attorney at the AG's office." I'm hopeful this is helpful in providing context.

Take care,

Mark